

IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 41 OF 2001

IN

COMPANY PETITION NO. 7 OF 1998

OFFICIAL LIQUIDATOR, HIGH COURT OF
BOMBAY, PANAJI

... Applicant

Versus

PAUL VAZ & ANR.

... Respondents

Ms. Amira Razaq, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 22nd June, 2007

P.C.:-

Heard Ms. Amira Razaq, the learned Counsel on behalf of the Applicant.

The respondents have chosen not to contest the claim.

This is a claim application filed by the Applicant for the recovery of a sum of Rs.4,10,247/- as on 1.1.1999 with further interest at the rate of 13% p.a., due and payable to the company in liquidation, on account of a loan taken by respondent no.1, with respondent no.2 standing as surety, in the sum of Rs.2,50,000/- vide application dated 27.10.1999.

Both the respondents were duly served but have not contested the proceedings.

Affidavit in evidence of Shri Vilas Sambhaji Hajare, Senior Technical Assistant, in the Office of the Applicant has been filed. He has produced copies of the applications filed by the respondents, the agreement and the promissory note executed by the respondent no.1, copy of the loan ledger and the demand notices dated 31.7.1997, 20.8.1997, 23.9.1997, 24.1.1998, 24.1.1998 and 30.3.1998. On the basis of the affidavit filed and the

documents produced, I am inclined to decree the claim as against respondent no.1 and reject the claim as against respondent no.2 as respondent no.2 had filed only an application for a loan of Rs.2,50,000/- and no other document was executed by him towards the loan taken by respondent no.1.

In view of the above, the Applicant's claim in the sum of Rs.4,10,247/- is hereby decreed with costs of Rs.5000/- with pending interest at the rate of 13% p.a. and future interest at the rate of 6% p.a.

The claim against respondent no.2 is dismissed.

N. A. BRITTO, J.

rp